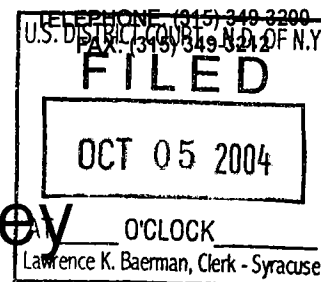


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September 28, 2004

David E. Peebles
U.S. Magistrate Judge
United States District Court
United States Courthouse
100 South Clinton St.
Syracuse, NY 13261-7345

Re: Thibodeau v. Portundo, Superintendent, 9:01-CV-0797
Related Case: People v. Thibodeau (267 AD2d 952)

Dear Magistrate Peebles:

I acknowledge receipt of your letter dated September 9, 2004 and apologize for any delay in responding. I have personally examined the archived file in this matter involving People vs. Gary Thibodeau. I have also spoken with our Oswego County Court Clerk, Theresa Stephens. I have been advised by Theresa Stephens that the Trial Judge Cicary, turned over to Mrs. Stephens the items that purported to be the diaries of Heidi Allen. Mrs. Stephens advised me that she searched to see if she still had those items, marked as Court exhibit and was unable to locate them. I additionally checked all of our files in this matter to see if through some set of circumstances they were turned over to our office from Mrs. Stephens. They were not. Mrs. Stephens' records indicate that they should still be in her possession and she has conducted a search to locate same and is unable to locate them.

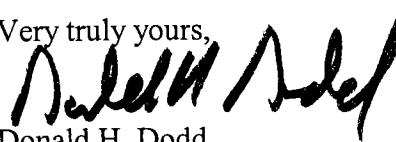
I therefore report back to the Court that our office is not in possession of those items and that the trial record indicates they were last in the possession of the Court Clerk. It appears, however, that they are unable to be located by the Court Clerk.

Page 2
September 28, 2004

I certainly can understand this given the age of this matter.

Again, I apologize for any delay but I wanted to make certain by checking our files before I responded to your request. If there are any questions regarding this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Dodd", written over the typed name.

Donald H. Dodd
District Attorney

DHD:tae

cc: Randi Juda Bianco, Esq.
Senta Siuda, Esq.